



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES

November 13, 1997

OPEN FORUM: Rules and Regulations Governing the Subdivision of Land (as amended, September 29, 1997)

Chair Yanofsky called the meeting to order at 8:00 p.m. Abend, Duscha, Epstein, Hengeveld, LaLiberte, and Yanofsky were present. Tice was representing the Planning Board at a MAGIC meeting. Also present were Planning Administrator Mansfield and Town Counsel, Judith Cutler.

Yanofsky explained the purpose of the Open Forum, to explain the changes to the Subdivision Rules and Regulations to members of the public who had not attended the public hearing and for the Board to listen and respond to their comments and questions. She reviewed the background of how and why the amendments were adopted, noting how the previous regulations had become inadequate to address the recent petitions before the Board.

LaLiberte gave a brief overview of the Planning Board's functions, responsibilities, and statutory authorization, and described the conceptual plan review process that the revised regulations encourage.

Epstein reviewed a list of "Highlights of Carlisle's Revised Subdivision Rules and Regulations," which was available to all attendees and is attached to these minutes. He cited a *Mosquito* article of 4/25/97 regarding the public hearing for the Pine Meadow subdivision plan as illustrative of the deficiencies in the previous regs. He stated that there are several revisions and corrections needed in the amended regs. that the Board already recognizes, and he expects these will be the subject of additional public hearings over the next few months. LaLiberte noted that one of these questions to be addressed was the identification and preservation of trees on a subdivision site.

Abend explained the street design portion of the regs., describing access zones and the new provisions for requiring traffic improvements beyond the subject property. He also

noted that the requirement for a traffic study will be further clarified in the subsequent amendments that the Board expects to consider.

Yanofsky then opened up the meeting for public comment.

Karla Johnson of Nickles La. acknowledged that there had been a serious need for improved regs., and that the Board's action had addressed a number of the problems she had seen in subdivision plan review earlier this year. She displayed a model of the Hunters Run proposed subdivision, prepared by abutters, and asked whether the regs. could include a model requirement for the applicant. She also suggested that a registered landscape architect be required to prepare the landscape plan, and a traffic engineer be required for the traffic study.

Colin Moriarty of Maple St. asked the Board to compare the process they undertook to amend the regs. with that in other towns. He suggested that their failure to provide legal notice in the *Mosquito* or to notify landowners directly of their intent was a violation of ethical standards.

Kathy Rubenstein of Nickles La. said that the PB's action was a response to all the development that has been happening in town and that they have tried to act in the best interest of the Town.

Hal Sauer of Westford St. expressed support for the revisions, and added that the process used was that that has always been used in the town for the last 30 years.

Ferris Taylor of Hemlock Hill Rd. said that he was present for the public hearing in September and felt duly notified. He added that to call for the PB to resign [as a letter to the *Mosquito* had done] because they did what we elected them to do is irresponsible. He expressed his 100% support for the revisions and the process of adopting them.

Tricia Smith of Indian Hill Rd., a member of the Conservation Commission, the Town Building Committee, and the Water Quality Subcommittee, expressed concern that the PB had not notified other Boards of their intended action. She said that the Conservation Administrator had told her that Cons. Comm. would not have the opportunity to comment on the regs. before they were promulgated. She also suggested that the Cons. Comm. be included in Sec. 6.E on pp. 24-25.

Selectman Douglas Stevenson said he was troubled by the lack of communication among Town boards, and that draft copies of the revised regs. did not go to the other boards before the public hearing. He added that all boards are looked at as "the government" by townspeople, and that the actions of one reflect upon all the others.

LaLiberte, Abend, Epstein and Yanofsky all responded to this criticism of the PB's process, noting that the Fire Chief, Police Chief, and DPW Superintendent who are most concerned about subdivision road layout had received draft copies of the regs. for

comment. Epstein also acknowledged that the PB had intended to place notices of the public hearing in the *Mosquito* twice, rather than once, and to have not done so was "a mistake," but not a legal defect.

Smith asked for the Fire Chief's comments on the requirements for dead-end roads. Bob Koning replied that there have been no surveys done to assess the safety of dead-end roads based on their length, but said that he has not had any problems with 1000-1500 ft. dead-end roads in Carlisle. He added, however, that there are problems for emergency vehicles when dead-ends are exceptionally long, in the range of 2000-3000 ft.

Wendy O'Rourke of Maple St. cited past extensive discussions on proposed plans that were well publicized and asked why such publicity was not given to the proposed reg. revisions.

Tom O'Rourke of Maple St. asked what can be placed in a no-build buffer zone, specifically a septic system or driveway? LaLiberte replied that since these buffers are to be proposed only through waiver, there were no set rules. Yanofsky explained the concept of a trade-off using a Pine Meadow example.

Dave Alexander of Westford St. asked what is the basis for the standards in the American Planning Association's model regs. [upon which some of the revisions are based.] Yanofsky said she would ask the P.A. to research this.

Tom Dunkers of East St. asked for an explanation of safety, as it is used to justify the regs.' design standards. Town Counsel Cutler replied that there was no magic in a certain dead-end length, but that the PB has both a legal and rational basis for determining that length. The primary issue, she explained, is if a dead-end street is blocked off at its entrance and emergency vehicles can't get through. If there is some alternative way to get in, she said, then a waiver of the maximum length standard is justified.

Ed Kennedy of Westford St. asked whether the Board takes into consideration the economic interests of landowners in setting its rules. He added that conservation is being put on the backs of landowners as a result of these regs.

Larry Sorli of Westford St. suggested that by preserving trees along the roadways, safety would be decreased by the potential of fallen trees blocking the roads. He also asked whether the PB studied all the undeveloped parcels in town before amending its rules. Yanofsky and Hengeveld both replied that the Board would not be allowed to tailor its regs. so specifically that way within the law.

Heather Pannell of West St. asked what types of roads were preferable, and what is considered an acceptable landscape plan. Yanofsky replied that these standards are taken from the SROSC bylaw.

Mary Storrs of Brook St. asked if conceptual plan reviews require public notice. Epstein replied that there is no legal requirement to do so, and that they would appear on agendas of PB meetings in the *Mosquito*, but perhaps better notice should be considered in the regs.

Gretchen Anderegg of Bedford Rd. explained that she owned 40 acres of land and is concerned about the requirements to preserve trees and the 500 ft. limit on dead-end roads.

Heather Pannell said she thought the Board did not know what they really meant by some of the requirements, and suggested that there was a lot more work to be done. Yanofsky offered to meet with her to explain the regs. in more detail, if she wished.

Wendy O'Rourke noted that a developer can't come to the PB with a conceptual plan before negotiating with the landowner, which limits the value of the process the regs. are attempting to create, since the process starts well before the owners and developers can come to the PB.

Kathy Rubenstein spoke again about failures in communication. She said there are expectations on both sides, and the Selectmen need to provide leadership. She suggested that the new Town Administrator hold monthly staff meetings to improve communication.

Tom O'Rourke told the Board that they have lost the landowners' trust, and will have created a building boom by their actions.

Dave Alexander asked whether the PB can take economic issues into consideration in setting its rules or reaching its decisions. Town Counsel Cutler replied that the Board's subdivision powers are circumscribed by MGL Chap. 41, which gives them authority to promote safety and convenience of the street system. Consideration of economic factors, she said, is not within their charge.

Bill Costello of Concord asked if the new regs. specified house locations, and was told they did not. He said that property owners, not developers, create development, and added that the perception of the Board's position was more important than the details of the regs. He suggested that Carlisle may now be perceived as one of the more severely regulated towns. Epstein replied that Carlisle is now in the mainstream, and is not among the severely regulated. Yanofsky added, citing MAPC data, that Carlisle is in the second group of towns when measured for degree of development activity.

Selectman Stevenson said that landowners perceive that the effect of the revised regs. is the devaluation of their land. He asked if the PB considered giving the landowners something to bring them to the table, rather than forcing them to come in for waivers. He asked if the Board is willing to revise its regs. again. Epstein replied that, as noted earlier, the PB expects follow-up revisions.

Bob Widell of Maple St. suggested that the town as a whole should vote on these regs., but was told that there is no legal authority for such an action.

Wendy O'Rourke said that her concern and that of other townspeople is that there not be a repeat of the process followed by the PB in any future action, whether by this Board or by any other. She said that the most important lesson to learn from this controversy was to enhance communication.

Yanofsky said that this was a sentiment shared by the Board and, she was sure, by other Town boards and residents. With that, she closed the forum and adjourned the meeting at 10:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "George E. Mansfield".

George E. Mansfield
Planning Administrator